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HOUSE BILL 979

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO WATER; ENATING A NEW SECTION OF THE GROUND WATER STORAGE AND RECOVERY ACT TO PROVIDE FOR INJECTION OF PUMPED WATER FOR A CREDIT AGAINST DEPLETIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-5A-1 NMSA 1978 (being Laws 1999, Chapter 285, Section 1) is amended to read:

"72-5A-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article 5A NMSA 1978 may be cited as the "Ground Water Storage and Recovery Act"."

Section 2. A new section of the Ground Water Storage and Recovery Act is enacted to read:

"[NEW MATERIAL] PUMPED WATER--INJECTION--CREDIT.--"

A. A person possessing the right to pump underground waters shall have the right to inject water into

1 the aquifer from which the waters were pumped to offset
2 depletions to the aquifer caused by the pumping, provided that
3 the water meets standards adopted by the department of
4 environment and the department approves a water quality
5 monitoring plan.

6 B. The state engineer shall grant the person
7 injecting the water a credit against depletions from the
8 aquifer caused by pumping in the amount of water determined to
9 have been recharged into the aquifer if:

10 (1) the injected water meets the standards
11 adopted by the department of environment;

12 (2) the department of environment approves the
13 water quality monitoring plan; and

14 (3) the water serves to recharge the aquifer.

15 C. To obtain a right of recharge, the person
16 seeking to recharge the aquifer shall obtain a permit from the
17 office of the state engineer. The state engineer shall issue a
18 permit after publication of a notice pursuant to Section
19 72-12-3 NMSA 1978 if the recharge will not impair existing
20 water rights, be contrary to the conservation of water within
21 the state or be detrimental to the public welfare of the state.

22 D. The person applying to recharge the aquifer
23 shall install meters as required by the office of the state
24 engineer."